



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Larry Altimore                      Group Art Unit: 3634  
Serial No.: 10/689,281                      Examiner: Johnson, Blair M.  
Filing Date: October 20, 2003                      Docket No.: 26879-00004  
Title: DOOR OPERATING MECHANISM AND METHOD OF USING SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

Dear Sir:

I hereby certify that these papers are being deposited with the United States Postal Service with sufficient postage as first class mail on the date below and in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 6, 2005  
Date of Deposit  
JACQUELINE K. BOZIAK  
(Typed or Printed Name)  
Jacqueline K. Bozjak  
Signature

Documents Deposited:

1. Issue Fee
2. Comments on Statement of Reason for Allowance (3 pages)
3. Copy of Revocation and Appointment of Power of Attorney (3 pages)
4. Check for \$1,000.00
5. Return Receipt Postcard



PATENT APPLICATION

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**Comments on Statement of Reason for Allowance**

Dear Sir:

Applicant acknowledges the Notice of Allowance mailed August 31, 2005. While the Examiner's comments attached as the Examiner's Amendment are accurate, Applicant is compelled to clarify several issues on the record.

Initially, the Notice of Allowance was mistakenly mailed to the prior attorney of record and was therefore delayed in reaching undersigned counsel. Enclosed herewith is a copy of the executed Revocation and Appointment of Power of Attorney as previously transmitted to the Examiner via facsimile on August 8, 2005. Please forward all future correspondence regarding this matter to undersigned counsel.

**July 28, 2005 Telecon:**

In response to Applicant's Response To First Office Action mailed May 19, 2005, the Examiner and undersigned counsel had a telecon on July 28, 2005. The Examiner agreed with Applicant's comments in the Response and was agreeable to removing all outstanding rejections. However, the formality of entering the Preliminary Amendment and withdrawing the claims presented therein needed to be addressed.

Accordingly, the Examiner suggested that upon entering the Preliminary Amendment, which deleted claims 1 through 32 and entered claims 33 through 64, the Examiner would through Examiner's Amendment cancel claims 33 through 64 and add previously presented claims 1 through 32 as new claims 65 through 96. Applicant agreed upon the understanding that claims 65-96 would be treated as originally filed under the Festo Doctrine and would not be subject to prosecution history estoppel as amended for which the Examiner concurred.


The Examiner further stated that a reply to the interview summary was not necessary due to the fact that the teleconference was not being conducted as a request for reconsideration but merely directed toward the Examiner's suggestion regarding the expeditious entering of the previously overlooked Preliminary Amendment.

**July 29, 2005 Telecon:**

The Examiner called to further discuss the term "operatively connected". While the arguments of Applicant's Response were persuasive, the Examiner requested that Applicant provide some additional clarification regarding the term. Applicant agreed to include the term *flexible member* and the final limitation of claim 65 as suggested by the Examiner to further describe the operative connection.

While it is unclear whether a Response to the Interview Summary is necessary for the July 29, 2005 telecon, Applicant herein provides the above. Further, Applicant is providing this Response as soon as possible in light of the mailing delay discussed above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert H. Earp, III", written over a horizontal line.

Robert H. Earp, III  
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Date: 10/5/2005